

**REMARKS/ARGUMENTS**

This Amendment is being filed in response to the Final Office Action of August 6, 2008 and the Advisory Action dated October 24, 2008. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1-10 are pending in the Application. Claims 9-10 are added by this amendment. By means of the present amendment, claims 1-8 are amended including for better conformance to U.S. practice, such as changing "characterized in that" to "--wherein--" and amending dependent claims to begin with "The" as opposed to "A". By these amendments, claims 1-8 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Final Office Action, claims 1-6 and 8 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Publication No. 2001/0026518 to Shishido ("Shishido") in view of U.S. Patent No. 5,802,028 to Igarashi ("Igarashi"). Claim 7 is

rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Publication No. 2003/0068159 to Haan ("Haan") in view of Shishido ("Shishido") and Igarashi. These rejections are respectfully traversed. It is respectfully submitted that claims 1-10 are allowable over Shishido in view of Igarashi alone, and in view of Haan for at least the following reasons.

The Advisory Action seems to take a position that since Shishido shows dedicated areas for storing information related to a recording and since Shishido teaches that its system is applicable to both CD-R and CD-RW disks, that Shishido therefore shows "the predefined fixed location is a different location than the temporary location" as recited in the claims (see, Final Office Action, page 3, lines 11-13). The Advisory Action interprets Shishido as teaching "predefined locations on a write-once disc and rewritable disk. Therefore, the locations are different." Again, the Applicants maintain that whether or not Shishido may be applied to different disks to write data in different predefined locations as determined by different disk types is immaterial to the claims provided by the present patent application.

Surprisingly, the Advisory Action takes a position that "claim 1 does not disclose or suggest 'a predefined temporary location' and 'predefined fixed location' to be on the same disk. Claim 1 recites 'a predefined temporary location' to be on a write-once disk and 'a predefined fixed location' to be on a rewritable disk, hence, different locations."

It must be pointed out that claim 1 previously recited (emphasis added) "[a] device for recording data and data structures on a write-once storage medium ..." Claim 1 further recited that (emphasis added) "the controlling means are adapted to record the data structures at a predefined temporary location in a reserved area on the write-once storage medium and to finalize the write-once storage medium by recording the data structures at a predefined fixed location as defined for a rewritable storage medium ..." The claims did not recite that the predefined fixed location is on a rewritable disk but merely recited (as shown above) that the predefined fixed location is defined for a rewritable storage medium.

Accordingly, it is believed that the Advisory Action's interpretation of the claims finds little support in the claims themselves.

However, in the interest of expediting consideration and allowance of the present application, Applicants have elected to amend the claims to clarify that which was already recited in the claims.

It is respectfully submitted that the device of claim 1 is not anticipated or made obvious by the teachings of Shishido in view of Igarashi. For example, Shishido in view of Igarashi does not disclose or suggest, a device that amongst other patentable elements, comprises a (illustrative emphasis added) "device for recording data and data structures on a write-once storage medium, the data structures comprising space bit map and defect management structures, the device comprising writing means for recording the data and the data structures; controlling means for generating the data structures and controlling the writing means; wherein the controlling means are adapted to record the data structures at a predefined temporary location in a reserved area on the write-once storage medium and to finalize the write-once storage medium by

recording the data structures at a predefined fixed location on the write-once storage medium, wherein the predefined fixed location is predefined for a rewritable storage medium, wherein the predefined fixed location is a different location than the predefined temporary location" as recited in claim 1, and as similarly recited in each of claims 4, 7 and 8. As should be clear now once and for all, the predefined temporary location and predefined fixed location are both on the write-once storage medium.

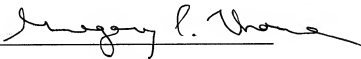
Igarashi and Haan are introduced for allegedly showing other elements of the claims and as such, do nothing to cure the deficiencies in Shishido.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 4, 7 and 8 are patentable over Shishido in view of Igarashi alone, and in view of Haan and notice to this effect is earnestly solicited. Claims 2-3 and 5-6 respectively depend from one of claims 1 and 4 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398  
Attorney for Applicant(s)  
January 6, 2008

**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101